

HOUSE BILL 2418

By Smith

AN ACT to amend Tennessee Code Annotated, Title 32,
relative to probate of a will as a muniment of title.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 32-2-111, is amended by deleting it in its entirety and substituting the following:

(a) Upon the filing of a petition by one (1) or more of the personal representatives named in the will, the will of a deceased person may be admitted to probate for the limited purpose of serving as a muniment of title to real or personal property of the deceased person. All beneficiaries named in the will and all heirs-at-law known to the petitioner must be identified in the petition. The clerk shall mail a copy of the petition to each beneficiary upon receiving the filing. Unless the will of the deceased person is admitted to probate by order of the probate or chancery court, the document does not serve as a muniment of title. Unless the court orders otherwise, letters testamentary shall not be issued and there must be no proceeding with administration.

(b) If an item of real or personal property of the decedent whose will was admitted to probate as a muniment of title is sold within twelve (12) months of the date of the deceased person's death, then the net proceeds of the sale of the item of real or personal property sold must be deposited with the clerk of the probate court that admitted the will of the deceased person to probate as a muniment of title subject to further order of that probate court.

(c) If an item of real or personal property of the decedent whose will was admitted to probate as a muniment of title is sold after more than twelve (12) months

from the date of the decedent's death, the net proceeds of the sale of the item of real or personal property sold must be distributed to the person who is the owner or owners of the item of real or personal property pursuant to the will of the deceased person admitted to probate as a muniment

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.